

EC-2002-030  
II-A 116

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**CERTIFIED MAIL #**  
**RETURN RECEIPT REQUESTED**

Mr. Steve Niswander  
Vice President of Safety & Compliance  
Groendyke Transport  
P.O. Box 632  
Enid, OK 73702

Re: Notice of Violation AED/MSEB # 6062

Dear Mr. Niswander:

On August 9, 2001, QuikTrip Corporation (QuikTrip) notified the U.S. Environmental Protection Agency (EPA) of the existence of a violation of the reformulated gasoline (RFG) regulations, 40 CFR Part 80, subpart D. QuikTrip advised EPA that Groendyke Transport is a carrier under contract with QuikTrip. QuikTrip further advised that on July 7, 2001, a driver for Groendyke Transport made a misdelivery of conventional gasoline (CG) to QuikTrip Store #612 located on North Hanley Road in Berkeley, Missouri, which is located in the St. Louis RFG covered area.

Where inappropriate fuels are used in internal combustion engines, the emission of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission control, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvements and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

Section 80.78(a)(1) of the RFG regulations prohibit any person from distributing gasoline for use in RFG covered areas unless the gasoline meets the standards specified for RFG. EPA has determined that Groendyke Transport misdelivered CG to QuikTrip Store #612 within the St. Louis, Missouri RFG covered area on July 7, 2001. As the carrier who supplied the CG found to be in violation of the RFG regulations, and as the person who caused this violation, Groendyke Transport is liable for this violation pursuant to 40 CFR § 80.79(a)(4).

Sections 211 and 205 of the Clean Air Act, 42 U.S.C. §§ 7545 and 7524, authorize EPA to assess a civil penalty of up to \$27,500 per day for each such violation plus the economic benefit or savings resulting from the violations. In determining the appropriate penalty for

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violations such as these we consider the gravity of the violations, the economic benefit or savings (if any) resulting from the violations, the size of your business, your history of compliance with the Act, actions taken by you to remedy the violations and prevent future violations, the effect of the penalty on your ability to continue in business and other matters as justice may require. Based upon these factors, we propose a civil penalty in the amount of \$8,800 for the violation alleged in this Notice.

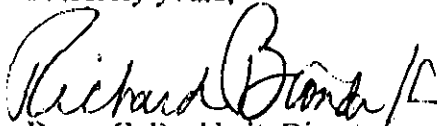
EPA encourages settlement of such matters rather than initiating litigation. The settlement process provides substantial flexibility for reducing the statutory penalty, particularly if the alleged violation has been corrected promptly and steps have been taken to ensure future compliance. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the U.S. Department of Justice with a recommendation to file a civil complaint in federal district court.

The EPA attorney designated below has been assigned to this case. Please contact him regarding this Notice of Violation.

Jeffrey A. Kodish, Attorney/Advisor  
U.S. Environmental Protection Agency  
Western Field Office  
12345 West Alameda Parkway, Suite 214  
Denver, CO 80228  
(303) 236-9511

Please let me emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

  
Bruce C. Buckheit, Director  
Air Enforcement Division